

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MIKUL KLEHM,  
Plaintiff,**

**VS.**

**RAWLTYN JORDAN HART, ET AL,  
Defendants.**

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**CIVIL ACTION NO. 4:22-CV-01226**

**DEFENDANTS HARRIS COUNTY AND RAWLTYN HART'S DESIGNATION OF  
EXPERT WITNESSES**

Defendants HARRIS COUNTY and RAWLTYN JORDAN HART ("Defendants") file this Designation of Expert Witnesses pursuant to the Court's December 14, 2022 Order [Doc. #36] and Federal Rule of Civil Procedure 26. In support of said designation, the Defendants state as follows:

1. Defendants designate the following witnesses under Rule 26(a)(2)(B), who may testify at trial:

- (a) J. Michael Graham, Ph.D., M.D., III, M.D., Northwest Spine Center, Orthopedic Surgeon, 9200 Pinecroft, Suite 280, The Woodlands, TX 77380 (281-296-9444). Dr. Graham is a retained medical expert who will present evidence at trial under Federal Rules of Evidence 702, 703 and 705. He will provide testimony concerning his education, training, and experience as a board-certified and fellowship-trained orthopedic surgeon with more than 33 years of experience in medical evaluation and treatment, both surgical and non-surgical, of patients with all types of musculoskeletal, orthopedic and spinal injuries and pathology. Dr. Graham will also provide testimony concerning reasonable medical standards for traumatic orthopedic injuries, including diagnosis, treatment and prognosis; reasonable medical and other future care expenses expected to be incurred by Mr. Klehm. Specifically, Dr. Graham opines that no future medical or surgical care of any variety will be necessary, as consequence of his April 16, 2020 injuries. Dr. Graham will testify consistent with his written report. He may offer other opinions and conclusions to rebut Plaintiff's experts. See attached the following documents that will be served on Plaintiff in accordance with the Federal Rules of Civil Procedure, but will not be filed with the Court:

Exhibit "A" – Expert report dated February 1, 2024

Exhibit “B” – CV of Dr. J. Michael Graham

Exhibit “C” – List of testimony/cases for Dr. Graham

Exhibit “D” – Fee schedule for Dr. Graham

- (b) Michael A. Dirden, Attorney and Advisor, P.O. Box 3853, Houston, Texas 77253-3853 (281-499-2468). Mr. Dirden is a retained expert in the field of police practices who will present evidence at trial under Federal Rules of Evidence 702, 703 and 705. He will provide testimony concerning his training and experience as a peace officer, the standards and requirements of Harris County Sheriff’s Office (“HCSO”) for the lawful use of force; use of force training provided by HCSO; the sufficiency of HCSO training with respect to use of force; whether the force used in this case was consistent with the training taught by the HCSO; standards and requirements under the Fourth Amendment (detention, arrest, and use of force); HCSO procedures for the investigation of alleged misconduct by HCSO Deputy Hart; HCSO procedures on use of force and whether the force used was consistent with national standards; HCSO supervision of its deputies with regards to use of force. Mr. Dirden will testify consistent with his written report. He may offer other opinions and conclusions to rebut Plaintiff’s experts. Mr. Dirden will also opine on aspects of Deputy Hart’s qualified immunity defense -- how a reasonable officer, trained according to TCOLE standards on the use of deadly force and confronting the circumstances faced by Deputy Hart, would reasonably perceive the need for using deadly force to stop the immediate threat of serious harm posed by Plaintiff to Deputy Hart and also to other persons. *See* the following documents that will be served on Plaintiff, but not filed with the Court:

Exhibit “E”: Expert report of Michael Dirden dated February 2, 2024

Exhibit “F”: CV of Michael Dirden

Exhibit “G”: List of testimony/cases for Michael Dirden

Exhibit “H”: Fee schedule for Michael Dirden

2. Defendants may offer expert testimony from the following persons employed by Harris County. These employees are not specially employed to provide expert testimony in this case and their duties do not regularly involve giving expert testimony. Therefore, no report is required from these employees under the Federal Rules of Civil Procedure:

- Stephanie U. Morris, M.D., 281-377-2233 (see HC 3239). Physician who treated Plaintiff after the incident who may testify about her background, education, training, employment history and job responsibilities and all aspects of the care and treatment of the Plaintiff after his gunshot injuries including but not limited to emergency medicine and care, surgery, trauma, post-operative procedures, pain, impact of injuries, extent of injuries and future medical issues.

- Lorne Blackbourne, M.D., 281-377-2233 (see HC 3239). Physician who treated Plaintiff after the incident who may testify about his background, education, training, employment history and job responsibilities and all aspects of the care and treatment of the Plaintiff after his gunshot injuries including but not limited to emergency medicine and care, surgery, trauma, post-operative procedures, pain, impact of injuries, extent of injuries and future medical issues.
- Farhan Yusuf Khan, M.D., 281-348-8560 (see HC 3239). Physician who treated Plaintiff after the incident who may testify about their background, education, training, employment history and job responsibilities and all aspects of the care and treatment of the Plaintiff after his gunshot injuries including but not limited to emergency medicine and care, surgery, trauma, post-operative procedures, pain, impact of injuries, extent of injuries and future medical issues.
- Dr. Laxman Sunder, M.D., Laxman Sunder M.D., Houston Family Physicians, 8968 Kirby Drive, Houston, Texas 77054, 713-492-0433 (see HC 2209-3243 and Klehm's medical records). Physician who treated Plaintiff after the incident who may testify about his background, education, training, employment history and job responsibilities and all aspects of the care and treatment of the Plaintiff after his gunshot injuries while in the Harris County Jail including but not limited to medical care and jail medical care, post-operative procedures, pain, impact of injuries, extent of injuries and future medical issues.
- Tammy Taylor, M.S., F-ABC, DNA Analyst, 832-927-5000 (see HC 1766). Tammy Taylor may testify about her background, education, training, employment history and job responsibilities and all aspects of DNA, including but not limited to the collection, processing and analyzing of DNA samples, DNA sequencing and interpretation, the Combined DNA Index System, procedures and protocols for the same, interpreting and explaining DNA results.
- Nora Herrera, Medic, Harris County Emergency Corps, (281) 449-3131, 2800 Aldine Bender Rd, Houston, Texas 77032. Herrera may testimony about her background, education, training, employment history and job responsibilities and all aspects of emergency response, emergency medicine and the mobile intensive care unit.
- Moses Landaverde, Medics, Harris County Emergency Corps, (281) 449-3131, 2800 Aldine Bender Rd, Houston, Texas 77032. Herrera may testimony about his background, education, training, employment history and job responsibilities and all aspects of emergency response, emergency medicine and the mobile intensive care unit.
- Any and all medical professionals who treated and cared for Klehm in the Harris County Jail, clinics and any and all state jail prison medical professionals who have treated or will treat Klehm.

- Lieutenant Christopher Garza, (c/o Rachel Fraser: 713-274-5883). Lt. Garza is in IAD at the HCSO and may testify about his background, education, training, employment history and job responsibilities and all aspects of complaints and the complaint process and investigations, internal affairs investigations, officer investigations and processes, HCSO policies and policy violations, HCSO employee investigations, discipline and the decision process for determining discipline and training, and the civil service appeal process and consequences.
- Mark Connor (c/o Rachel Fraser: 713-274-5883). Mr. Connor is the video technician and integration specialist for dash cameras at the HCSO and he may testify about his background, education, training, employment history and job responsibilities and all aspects of video and in-car cameras and recordings for the HCSO including but not limited to the make and model of HCSO cameras, how the cameras work, sound and sound quality, images and image quality of dash cameras, how to get information off of the cameras, storage of data, why some sounds and images are picked up while others are not and all aspects related to dash cameras and HCSO policies. He may offer an opinion about the video / audio equipment and that a person's voice may not be audible on the dash camera recording device in a situation such as the one that is the basis of this lawsuit.
- Deputy Patrick Mirrieles (c/o Rachel Fraser: 713-274-5883). HCSO Sergeant who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, and discuss all things related to patrol, police training, firearms, firearms training and HCSO policies, including but not limited to duties on patrol, foot chases, risks and danger on patrol, deputy training, TCOLE and training standards, firearms training, HCSO compliance with the same, witness and suspect interviewing, how firearms work, HCSO policies and policy violations, the danger of firearms to a patrol officer, use of force and HCSO use of force policies.
- Sgt. Sayre Pagel (c/o Rachel Fraser: 713-274-5883). HCSO Sergeant who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, and discuss all things related to patrol, police training, firearms, firearms training and HCSO policies, including but not limited to duties on patrol, foot chases, risks and danger on patrol, deputy training, TCOLE and training standards, firearms training, HCSO compliance with the same, witness and suspect interviewing, how firearms work, HCSO policies and policy violations, the danger of firearms to a patrol officer, use of force and HCSO use of force policies.
- Lt. Garrett Demilia (c/o Rachel Fraser: 713-274-5883). HCSO Lieutenant who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, and discuss all things related to patrol, police training, firearms, firearms training and HCSO policies, including but not limited to duties on patrol, foot chases, risks and danger on patrol, deputy training, TCOLE and training standards, firearms training, HCSO compliance with the same, witness and suspect

interviewing, how firearms work, HCSO policies and policy violations, the danger of firearms to a patrol officer, use of force and HCSO use of force policies.

- Deputy Louis Ybarra (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, evidence mapping, weapons charting, forensic scanning, firearms and ammunition and how they function, witness and suspect interviewing, HCSO policies, as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Eduardo Gonzalez (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, evidence mapping, weapons charting, forensic scanning, firearms and ammunition and how they function, witness and suspect interviewing, HCSO policies, as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Investigator Timothy Hayes (c/o Rachel Fraser: 713-274-5883). HCSO CSI Investigator who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of investigators to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, evidence mapping, weapons charting, forensic scanning, firearms and ammunition and how they function, HCSO policies, witness and suspect interviewing, foot and other pursuits, and all other aspects of investigation and the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Investigator Armando Manchaca (c/o Rachel Fraser: 713-274-5883). HCSO CSI Investigator who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of investigators to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, evidence mapping, weapons charting, forensic scanning, firearms and ammunition and how they function, witness and suspect interviewing, foot and other pursuits, HCSO policies and all other

aspects of investigation and the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.

- Investigator Dean Tinnin (c/o Rachel Fraser: 713-274-5883). HCSO CSI Investigator who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of investigators to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, weapons charting, evidence mapping, forensic scanning, blood stain and blood stain patterns firearms and ammunition and how they function, witness and suspect interviewing, foot and other pursuits, HCSO policies and all other aspects of investigation and the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Andrew King (c/o Rachel Fraser: 713-274-5883). HCSO CSI Investigator who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of investigators to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, weapons charting, evidence mapping, forensic scanning, firearms and ammunition and how they function, HCSO policies, witness and suspect interviewing, foot and other pursuits, and all other aspects of investigation and the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Branden Henneke (c/o Rachel Fraser: 713-274-5883). HCSO CSI Investigator who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of investigators to act in various situations, as well as all aspects of criminal investigations and investigating including but not limited to crime scene and evidence preservation and collection, measuring and weighing evidence, handprints and testing for the same, weapons charting, evidence mapping, forensic scanning, firearms and ammunition and how they function, HCSO policies, witness and suspect interviewing, foot and other pursuits, and all other aspects of investigation and the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Kendell Daniels (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.



- Deputy Brian Kelly (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Alfredo Zavala (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Donte Thomas (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Jessica Sustaita (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about her background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies,, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or her involvement with the criminal investigation relating to the same.
- Deputy Claudia Duran (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about her background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or her involvement with the criminal investigation relating to the same.
- Deputy Aziz Jan (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts

pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.

- Deputy Josiah Jay Hernandez (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies,, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Francisco (Frank) Garcia (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Jesus Ortiz (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Trey Davis (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, HCSO policies, collection and preservation of evidence and crime scenes, weapons charting, witness interviewing, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Sergeant Daniel Dellasala (c/o Rachel Fraser: 713-274-5883). HCSO Deputy who may testify about his background, education, training, employment history, job duties and responsibilities with the HCSO, authority of peace officers to act in various situations, officer reporting, collection and preservation of evidence and crime scenes, witness interviewing, HCSO policies, criminal investigations as well as the relevant facts pertaining to the incident made the basis of this lawsuit and/or his involvement with the criminal investigation relating to the same.
- Deputy Perry Burkeen (c/o Rachel Fraser: 713-274-5883). HCSO IAD Deputy and may testify about his background, education, training, employment history and job



responsibilities and all aspects of complaints and the complaint process and investigations, internal affairs investigations, officer investigations and processes, HCSO policies and policy violations generally, HCSO policies, HCSO employee investigations, discipline and the decision process for determining discipline and training, and the civil service appeal process and consequences.

- Deputy Jeffrey Vickery (c/o Rachel Fraser: 713-274-5883). HCSO IAD Deputy and may testify about his background, education, training, employment history and job responsibilities and all aspects of complaints and the complaint process and investigations, internal affairs investigations, officer investigations and processes, HCSO policies and policy violations generally, HCSO policies, HCSO employee investigations, discipline and the decision process for determining discipline and training, and the civil service appeal process and consequences.
- Deputy Preston Foos (c/o Rachel Fraser: 713-274-5883). HCSO IAD Deputy and may testify about his background, education, training, employment history and job responsibilities and all aspects of complaints and the complaint process and investigations, internal affairs investigations, officer investigations and processes, HCSO policies and policy violations generally, HCSO policies, HCSO employee investigations, discipline and the decision process for determining discipline and training, and the civil service appeal process and consequences.

3. Defendants respectfully reserve the right to elicit testimony from any and all persons or witnesses designated or to be called by Plaintiff in this case. Defendants reserve the right to offer at trial, from any person or fact witness designated by Plaintiff with the express understanding that Defendants do not necessarily vouch for the credibility, qualifications or proper designation of any such witnesses.

4. Defendants reserve the right to supplement and amend this designation and/or discoverable information up to the date of trial.

5. Defendants reserve the right to call rebuttal witnesses.

Date: February 2, 2024

Respectfully submitted,

**CHRISTIAN D. MENEFE**  
HARRIS COUNTY ATTORNEY

**JONATHAN G. C. FOMBONNE**  
DEPUTY COUNTY ATTORNEY AND FIRST  
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**CERTIFICATE OF SERVICE**

I certify that all counsel of record have been served a true and correct copy of this document by electronic submission for filing and service through the Electronic Case Files System of the Southern District of Texas on February 2, 2024.

/s/ Rachel Fraser  
**Rachel Fraser**  
**Senior Assistant County Attorney**